

Executive Summary – Enforcement Matter – Case No. 52261
Magellan Terminals Holdings, L.P. and Magellan Processing, L.P.
RN102536836
Docket No. 2016-0634-IWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

IWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Corpus Christi Terminal, located at 1802 Poth Lane, approximately 250 feet northwest of the intersection of IH-37 and Poth Lane, Corpus Christi, Nueces County

Type of Operation:

Bulk petroleum storage terminal

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 19, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$13,300

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$13,300

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications (CN600134639):

Person/CN - Satisfactory

Site/RN - Satisfactory

Compliance History Classifications (CN604541797):

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

**Executive Summary – Enforcement Matter – Case No. 52261
Magellan Terminals Holdings, L.P. and Magellan Processing, L.P.
RN102536836
Docket No. 2016-0634-IWD-E**

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: February 10, 2016
Date(s) of NOE(s): March 24, 2016

Violation Information

Failed to comply with permitted effluent limitations for total lead and total zinc [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002070000, Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondents to, within 90 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0002070000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

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RN102536836
Docket No. 2016-0634-IWD-E**

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Sandra Douglas, Enforcement Division, Enforcement Team 3, MC 169, (512) 239-2549; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: N/A

Respondent: Larry J. Davied, Senior Vice President, Magellan Terminals Holdings, L.P. and Magellan Processing, L.P., 1 Williams Center OTC 8, Tulsa, Oklahoma 74172
Rick Fahrenkrog, Director of Environmental Health, Safety and Security, Magellan Terminals Holdings, L.P. and Magellan Processing, L.P., 1 Williams Center OTC 8, Tulsa, Oklahoma 74172

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	28-Mar-2016	Screening	29-Apr-2016	EPA Due	
	PCW	2-May-2016				

RESPONDENT/FACILITY INFORMATION

Respondent	Magellan Terminals Holdings, L.P. and Magellan Processing, L.P.		
Reg. Ent. Ref. No.	RN102536836		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	52261	No. of Violations	2
Docket No.	2016-0634-IWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Sandra Douglas
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$10,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	33.0%	Adjustment	Subtotals 2, 3, & 7	\$3,300
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Notes: Enhancement for three months of self-reported effluent violations, one NOV with dissimilar violations, and one agreed order with denial of liability. Reduction for four notices of intent to conduct an audit.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondents do not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$908	*Capped at the Total EB \$ Amount		
Estimated Cost of Compliance	\$10,000			

SUM OF SUBTOTALS 1-7	Final Subtotal	\$13,300
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$13,300
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$13,300
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$13,300
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Screening Date 29-Apr-2016

Docket No. 2016-0634-IWD-E

PCW

Respondent Magellan Terminals Holdings, L.P. and Magellan Processing, L.P.

Policy Revision 4 (April 2014)

Case ID No. 52261

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102536836

Media [Statute] Water Quality

Enf. Coordinator Sandra Douglas

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	4	-4%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 33%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for three months of self-reported effluent violations, one NOV with dissimilar violations, and one agreed order with denial of liability. Reduction for four notices of intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 33%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 33%

Screening Date 29-Apr-2016

Docket No. 2016-0634-IWD-E

PCW

Respondent Magellan Terminals Holdings, L.P. and Magellan Processing, L.P.

Policy Revision 4 (April 2014)

Case ID No. 52261

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102536836

Media [Statute] Water Quality

Enf. Coordinator Sandra Douglas

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002070000, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limitations, as documented during a record review conducted on February 10, 2016, and shown in the attached effluent violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate lead and zinc to determine whether the discharged amount of pollutants exceeded levels protective of human health or the environment. Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2

60 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

Two quarterly events are recommended for the quarters containing the months of June and September of 2015.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	

Notes

The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$908

Violation Final Penalty Total \$3,325

This violation Final Assessed Penalty (adjusted for limits) \$3,325

Economic Benefit Worksheet

Respondent Magellan Terminals Holdings, L.P. and Magellan Processing, L.P.
Case ID No. 52261
Reg. Ent. Reference No. RN102536836
Media Water Quality
Violation No. 1

Percent Interest 5.0
Years of Depreciation 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	30-Apr-2015	21-Feb-2017	1.82	\$908	n/a	\$908

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and make any necessary repairs/adjustments to the Facility. Date required is the end date of the first month of noncompliance and the final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$908

Screening Date 29-Apr-2016

Docket No. 2016-0634-IWD-E

PCW

Respondent Magellan Terminals Holdings, L.P. and Magellan Processing, L.P.

Policy Revision 4 (April 2014)

Case ID No. 52261

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102536836

Media [Statute] Water Quality

Enf. Coordinator Sandra Douglas

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0002070000, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limitations, as documented during a record review conducted on February 10, 2016, and shown in the attached effluent violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	x		
Potential			

Percent 30.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate lead and zinc to determine whether the discharged amount of pollutants exceeded levels protective of human health or the environment. Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1

30 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended for April 2015.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	
N/A	x

Notes

The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$9,975

This violation Final Assessed Penalty (adjusted for limits) \$9,975

Economic Benefit Worksheet

Respondent Magellan Terminals Holdings, L.P. and Magellan Processing, L.P.
Case ID No. 52261
Reg. Ent. Reference No. RN102536836
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Economic benefit for this violation is included with Violation No. 1.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Magellan Terminals Holdings, L.P. and Magellan Processing, L.P.

Docket Number 2016-0634-IWD-E

TPDES Permit No. WQ0002070000

Effluent Violation Table

Monitoring Periods	Total Lead Daily Average Concentration	Total Lead Daily Maximum Concentration	Total Zinc Daily Average Concentration	Total Zinc Daily Maximum Concentration
	Limit = 0.16 mg/L	Limit = 0.25 mg/L	Limit = 0.26 mg/L	Limit = 0.55 mg/L
April 2015	0.52	0.57	0.6	0.64
June 2015	0.18	c	0.3	c
September 2015	0.22	c	0.32	c

c = compliant

mg/L = milligrams per liter

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN600134639, RN102536836, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator:	CN600134639, Magellan Terminals Holdings, L.P.	Classification:	SATISFACTORY	Rating:	8.73
Regulated Entity:	RN102536836, Corpus Christi Terminal	Classification:	SATISFACTORY	Rating:	1.30
Complexity Points:	19	Repeat Violator:	NO		
CH Group:	14 - Other				
Location:	LOCATED AT 1802 POTH LANE, APPROXIMATELY 250 FEET NORTHWEST OF THE INTERSECTION OF INTERSTATE HIGHWAY 37 AND POTH LANE IN CORPUS CHRISTI, NUECES COUNTY, TEXAS				
TCEQ Region:	REGION 14 - CORPUS CHRISTI				

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE EPA ID

TXD091698951

INDUSTRIAL AND HAZARDOUS WASTE OTS REQUEST
38654

WASTEWATER EPA ID TX0072737

AIR NEW SOURCE PERMITS REGISTRATION 22839

AIR NEW SOURCE PERMITS REGISTRATION 54903

AIR NEW SOURCE PERMITS PERMIT 56470

AIR NEW SOURCE PERMITS REGISTRATION 76903

AIR NEW SOURCE PERMITS REGISTRATION 90079

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1398

AIR NEW SOURCE PERMITS REGISTRATION 137804

AIR OPERATING PERMITS ACCOUNT NUMBER NE0003M

STORMWATER PERMIT TXR150012638

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 39033

POLLUTION PREVENTION PLANNING ID NUMBER
P03058

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE

REGISTRATION # (SWR) 39033

WASTEWATER PERMIT WQ0002070000

WASTEWATER PERMIT TXG830485

AIR NEW SOURCE PERMITS ACCOUNT NUMBER NE0003M

AIR NEW SOURCE PERMITS AFS NUM 4835500098

AIR NEW SOURCE PERMITS REGISTRATION 74701

AIR NEW SOURCE PERMITS REGISTRATION 77051

AIR NEW SOURCE PERMITS REGISTRATION 95522

AIR NEW SOURCE PERMITS REGISTRATION 133598

AIR NEW SOURCE PERMITS PERMIT 118270

AIR OPERATING PERMITS PERMIT 1255

STORMWATER PERMIT TXR150015318

AIR EMISSIONS INVENTORY ACCOUNT NUMBER
NE0003M

Compliance History Period: September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015

Date Compliance History Report Prepared: March 30, 2016

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 30, 2011 to March 30, 2016

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Sandra Douglas

Phone: (512) 239-2549

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |
| 3) If YES for #2, who is the current owner/operator? | N/A |
| 4) If YES for #2, who was/were the prior owner(s)/operator(s)? | N/A |
| 5) If YES , when did the change(s) in owner or operator occur? | N/A |

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 05/02/2013 ADMIN ORDER 2012-1333-IWD-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Effluent and Monitoring Req. Nos. 1 & 2 PERMIT
Description: Failed to comply with permitted effluent limitations

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	April 20, 2011	(927761)	Item 35	September 15, 2014	(1190377)
Item 2	May 20, 2011	(938948)	Item 36	September 16, 2014	(1238984)
Item 3	July 06, 2011	(953607)	Item 37	September 18, 2014	(1206760)
Item 4	August 16, 2011	(960224)	Item 38	October 15, 2014	(1238985)
Item 5	September 19, 2011	(966278)	Item 39	October 20, 2014	(1213169)
Item 6	October 06, 2011	(972292)	Item 40	November 17, 2014	(1238986)
Item 7	October 18, 2011	(956097)	Item 41	November 19, 2014	(1219425)
Item 8	December 16, 2011	(985263)	Item 42	December 04, 2014	(1238987)
Item 9	February 22, 2012	(998890)	Item 43	December 18, 2014	(1225210)
Item 10	April 04, 2012	(995573)	Item 44	January 13, 2015	(1238988)
Item 11	July 23, 2012	(1020665)	Item 45	January 19, 2015	(1232101)
Item 12	August 24, 2012	(1027088)	Item 46	February 09, 2015	(1245255)
Item 13	September 13, 2012	(1030846)	Item 47	February 19, 2015	(1243222)
Item 14	September 20, 2012	(1047825)	Item 48	March 09, 2015	(1251621)
Item 15	November 15, 2012	(1065813)	Item 49	March 17, 2015	(1249586)
Item 16	December 20, 2012	(1051714)	Item 50	April 20, 2015	(1256469)
Item 17	January 18, 2013	(1081022)	Item 51	April 23, 2015	(1258544)
Item 18	February 20, 2013	(1081021)	Item 52	May 22, 2015	(1265341)
Item 19	March 12, 2013	(1060066)	Item 53	June 18, 2015	(1293567)
Item 20	March 28, 2013	(1076443)	Item 54	June 19, 2015	(1270347)
Item 21	August 20, 2013	(1125948)	Item 55	July 16, 2015	(1293568)
Item 22	August 22, 2013	(1114377)	Item 56	August 07, 2015	(1293569)
Item 23	September 19, 2013	(1130499)	Item 57	August 12, 2015	(1266968)
Item 24	September 24, 2013	(1100346)	Item 58	August 20, 2015	(1284054)
Item 25	November 20, 2013	(1141648)	Item 59	August 28, 2015	(1260551)
Item 26	December 18, 2013	(1148104)	Item 60	September 17, 2015	(1291210)
Item 27	January 20, 2014	(1154177)	Item 61	November 03, 2015	(1304900)
Item 28	February 14, 2014	(1161501)	Item 62	November 19, 2015	(1304901)
Item 29	March 19, 2014	(1168140)	Item 63	November 20, 2015	(1302844)
Item 30	May 08, 2014	(1158502)	Item 64	December 17, 2015	(1309826)
Item 31	May 20, 2014	(1181491)	Item 65	January 19, 2016	(1316584)
Item 32	June 18, 2014	(1188385)	Item 66	March 08, 2016	(1307149)
Item 33	July 17, 2014	(1200090)	Item 67	March 29, 2016	(1307954)
Item 34	July 31, 2014	(1200091)			

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1 Date: 04/30/2015 (1263204) CN600134639
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

2 Date: 06/30/2015 (1277877) CN600134639

Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

3 Date: 09/30/2015 (1297399) CN600134639
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

4 Date: 12/07/2015 (1286472) CN600134639
Self Report? NO Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(2)
5C THSC Chapter 382 382.085(b)
FOP OP
NSR PERMIT
Description: Failed to visually inspect the internal floating roof and the primary seal or secondary seal at least once every twelve months after initial fill. Specifically, Tank No. 146 was filled on 5/17/2013. The visual inspection did not occur until 8/14/2014, exceeding 12 month inspection requirement for the tank.
Self Report? YES Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(2)
5C THSC Chapter 382 382.085(b)
FOP OP
NSR PERMIT
Description: Failed to visually inspect the internal floating roof and the primary seal or secondary seal at least once every twelve months after initial fill. Specifically, Tank No. 147 was filled on 6/07/2013. The visual inspection did not occur until 8/14/2014, exceeding 12 month inspection requirement for the tank.
Self Report? YES Classification: Moderate
Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(2)
5C THSC Chapter 382 382.085(b)
FOP OP
NSR PERMIT
Description: Failed to visually inspect the internal floating roof and the primary seal or secondary seal at least once every twelve months after initial fill. Specifically, Tank No. 148 was filled on 5/09/2013. The visual inspection did not occur until 8/14/2014, exceeding 12 month inspection requirement for the tank.

F. Environmental audits:

Notice of Intent Date: 09/13/2011 (969273)
No DOV Associated

Notice of Intent Date: 08/28/2012 (1030666)
No DOV Associated

Notice of Intent Date: 07/15/2014 (1184086)
No DOV Associated

Notice of Intent Date: 03/10/2015 (1239807)
No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN604541797, RN102536836, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator: CN604541797, Magellan Processing, L.P. **Classification:** SATISFACTORY **Rating:** 1.53

Regulated Entity: RN102536836, Corpus Christi Terminal **Classification:** SATISFACTORY **Rating:** 1.53

Complexity Points: 19

Repeat Violator: NO

CH Group: 14 - Other

Location: LOCATED AT 1802 POTH LANE, APPROXIMATELY 250 FEET NORTHWEST OF THE INTERSECTION OF INTERSTATE HIGHWAY 37 AND POTH LANE IN CORPUS CHRISTI, NUECES COUNTY, TEXAS

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE EPA ID

TXD091698951

INDUSTRIAL AND HAZARDOUS WASTE OTS REQUEST
38654

WASTEWATER EPA ID TX0072737

AIR NEW SOURCE PERMITS REGISTRATION 22839

AIR NEW SOURCE PERMITS REGISTRATION 54903

AIR NEW SOURCE PERMITS PERMIT 56470

AIR NEW SOURCE PERMITS REGISTRATION 76903

AIR NEW SOURCE PERMITS REGISTRATION 90079

AIR NEW SOURCE PERMITS EPA PERMIT PSDTX1398

AIR NEW SOURCE PERMITS REGISTRATION 137804

AIR OPERATING PERMITS ACCOUNT NUMBER NE0003M

STORMWATER PERMIT TXR150012638

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION
(SWR) 39033

POLLUTION PREVENTION PLANNING ID NUMBER
P03058

INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE
REGISTRATION # (SWR) 39033
WASTEWATER PERMIT WQ0002070000

WASTEWATER PERMIT TXG830485

AIR NEW SOURCE PERMITS ACCOUNT NUMBER NE0003M

AIR NEW SOURCE PERMITS AFS NUM 4835500098

AIR NEW SOURCE PERMITS REGISTRATION 74701

AIR NEW SOURCE PERMITS REGISTRATION 77051

AIR NEW SOURCE PERMITS REGISTRATION 95522

AIR NEW SOURCE PERMITS REGISTRATION 133598

AIR NEW SOURCE PERMITS PERMIT 118270

AIR OPERATING PERMITS PERMIT 1255

STORMWATER PERMIT TXR150015318

AIR EMISSIONS INVENTORY ACCOUNT NUMBER
NE0003M

Compliance History Period: September 01, 2010 to August 31, 2015

Rating Year: 2015

Rating Date: 09/01/2015

Date Compliance History Report Prepared: March 31, 2016

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 31, 2011 to March 31, 2016

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Sandra Douglas

Phone: (512) 239-2549

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |
| 3) If YES for #2, who is the current owner/operator? | N/A |
| 4) If YES for #2, who was/were the prior owner(s)/operator(s)? | N/A |
| 5) If YES , when did the change(s) in owner or operator occur? | N/A |

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 05/02/2013 ADMIN ORDER 2012-1333-IWD-E (1660 Order-Agreed Order With Denial)
Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Effluent and Monitoring Req. Nos. 1 & 2 PERMIT
Description: Failed to comply with permitted effluent limitations

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	April 20, 2011	(927761)	Item 21	June 18, 2014	(1188385)
Item 2	May 20, 2011	(938948)	Item 22	July 17, 2014	(1200090)
Item 3	July 06, 2011	(953607)	Item 23	July 31, 2014	(1200091)
Item 4	August 16, 2011	(960224)	Item 24	September 15, 2014	(1190377)
Item 5	September 19, 2011	(966278)	Item 25	September 18, 2014	(1206760)
Item 6	October 06, 2011	(972292)	Item 26	October 20, 2014	(1213169)
Item 7	December 16, 2011	(985263)	Item 27	November 19, 2014	(1219425)
Item 8	February 22, 2012	(998890)	Item 28	December 18, 2014	(1225210)
Item 9	September 20, 2012	(1047825)	Item 29	January 19, 2015	(1232101)
Item 10	November 15, 2012	(1065813)	Item 30	February 19, 2015	(1243222)
Item 11	January 18, 2013	(1081022)	Item 31	March 17, 2015	(1249586)
Item 12	February 20, 2013	(1081021)	Item 32	April 20, 2015	(1256469)
Item 13	August 20, 2013	(1125948)	Item 33	June 19, 2015	(1270347)
Item 14	September 19, 2013	(1130499)	Item 34	August 20, 2015	(1284054)
Item 15	November 20, 2013	(1141648)	Item 35	September 17, 2015	(1291210)
Item 16	December 18, 2013	(1148104)	Item 36	November 20, 2015	(1302844)
Item 17	January 20, 2014	(1154177)	Item 37	December 17, 2015	(1309826)
Item 18	February 14, 2014	(1161501)	Item 38	January 19, 2016	(1316584)
Item 19	March 19, 2014	(1168140)			
Item 20	May 20, 2014	(1181491)			

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date: 04/30/2015 (1263204)	CN604541797	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
2	Date: 06/30/2015 (1277877)	CN604541797	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
3	Date: 09/30/2015 (1297399)	CN604541797	
	Self Report? YES	Classification: Moderate	
	Citation: 2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description: Failure to meet the limit for one or more permit parameter		
4	Date: 12/07/2015 (1286472)	CN604541797	
	Self Report? NO	Classification: Moderate	
	Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(2)		

5C THSC Chapter 382 382.085(b)
FOP OP
NSR PERMIT

Description: Failed to visually inspect the internal floating roof and the primary seal or secondary seal at least once every twelve months after initial fill. Specifically, Tank No. 146 was filled on 5/17/2013. The visual inspection did not occur until 8/14/2014, exceeding 12 month inspection requirement for the tank.

Self Report? YES Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(2)
5C THSC Chapter 382 382.085(b)
FOP OP
NSR PERMIT

Description: Failed to visually inspect the internal floating roof and the primary seal or secondary seal at least once every twelve months after initial fill. Specifically, Tank No. 147 was filled on 6/07/2013. The visual inspection did not occur until 8/14/2014, exceeding 12 month inspection requirement for the tank.

Self Report? YES Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.113b(a)(2)
5C THSC Chapter 382 382.085(b)
FOP OP
NSR PERMIT

Description: Failed to visually inspect the internal floating roof and the primary seal or secondary seal at least once every twelve months after initial fill. Specifically, Tank No. 148 was filled on 5/09/2013. The visual inspection did not occur until 8/14/2014, exceeding 12 month inspection requirement for the tank.

F. Environmental audits:

Notice of Intent Date: 09/13/2011 (969273)
No DOV Associated

Notice of Intent Date: 08/28/2012 (1030666)
No DOV Associated

Notice of Intent Date: 07/15/2014 (1184086)
No DOV Associated

Notice of Intent Date: 03/10/2015 (1239807)
No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING**

**MAGELLAN TERMINALS
HOLDINGS, L.P. AND
MAGELLAN PROCESSING, L.P.
RN102536836**

§
§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2016-0634-IWD-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Magellan Terminals Holdings, L.P. and Magellan Processing, L.P. (the "Respondents") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondents presented this Order to the Commission.

The Respondents understand that they have certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondents agree to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondents.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondents own and operate a bulk petroleum storage terminal located at 1802 Poth Lane, approximately 250 feet northwest of the intersection of Interstate Highway 37 and Poth Lane in Corpus Christi, Nueces County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. During a record review conducted on February 10, 2016, TCEQ staff documented the following permitted effluent violations from self-reported discharge monitoring reports ("DMRs"):

Effluent Violation Table				
Monitoring Periods	Total Lead Daily Average Concentration	Total Lead Daily Maximum Concentration	Total Zinc Daily Average Concentration	Total Zinc Daily Maximum Concentration
	Limit = 0.16 mg/L	Limit = 0.25 mg/L	Limit = 0.26 mg/L	Limit = 0.55 mg/L
April 2015	0.52	0.57	0.6	0.64
June 2015	0.18	c	0.3	c
September 2015	0.22	c	0.32	c

c = compliant

mg/L = milligrams per liter

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondents are subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondents failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0002070000, Effluent Limitations and Monitoring Requirements No. 1.
3. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondents for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$13,300 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondents paid the \$13,300 penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondents are assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondents' compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Magellan Terminals Holdings, L.P. and Magellan Processing, L.P., Docket No. 2016-0634-IWD-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondents are jointly and severally liable for the violations documented in this Order, and are jointly and severally liable for timely and satisfactory compliance with all terms and conditions of this Order.
3. The Respondents shall, within 90 days after the effective date of this Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0002070000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported DMRs, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5503

4. All relief not expressly granted in this Order is denied.

5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondents. The Respondents are ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. If the Respondents fail to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondents' failure to comply is not a violation of this Order. The Respondents shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondents shall notify the Executive Director within seven days after the Respondents become aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
7. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondents shall be made in writing to the Executive Director. Extensions are not effective until the Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondents have not complied with one or more of the terms in this Order.
9. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
10. This Order, issued by the Commission, shall not be admissible against the Respondents in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
11. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively,

the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

12. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



10/3/16

For the Executive Director

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

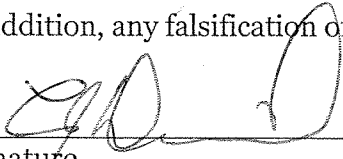
I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature

Date



JULY 20, 2016

LARRY J. DAVID

SR VICE PRESIDENT

Name (Printed or typed)

Title

Authorized Representative of
Magellan Terminals Holdings, L.P.

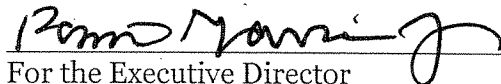
Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Order.

☐ If mailing address has changed, please check this box and provide the new address below:

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date

10/3/16

Date

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I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

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- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature



Date

JULY 20, 2016

Name (Printed or typed)
Authorized Representative of
Magellan Processing, L.P.

LARRY J. DAVID

Title

SR VICE PRESIDENT

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Order.

☐ If mailing address has changed, please check this box and provide the new address below